

REMARKS

Status of the Claims

Claims 3, 4, 6, 7, 10 and 12 are pending in the application. Claims 3, 4, 6, and 10 are currently amended. New claim 12 is added. Claims 1, 2, 5, 8, 9, and 11 are canceled. Reconsideration and allowance of all of the pending claims is respectfully requested.

This amendment does not add new matter to the application. The amendment to claims 3, 4, 6 and 10 are editorial. New claim 12 is supported, for example, at page 1, lines 23-25 of the specification. Accordingly, no new matter is added and entry of this amendment is respectfully requested.

Claim Objections

Claims 5-10 are objected to under 37 C.F.R. §1.75(c) as being in improper dependent form. However, applicants respectfully point out that pending claims 6 and 10 were amended in the preliminary amendment filed April 21, 2005 to correct the improper multiple dependent claims. Accordingly, withdrawal of this objection and examination of claims 6, 7, and 10 on the merits is required.

Claim 11 is objected to over an informality in formula (4). Claim 11 is canceled by this amendment. Accordingly, withdrawal of this objection is respectfully requested.

Claim Rejections - 35 U.S.C. §103

Claims 1-4 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kakugo '370 (WO 87/02370). Applicants respectfully traverse this rejection for the following reasons.

"To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP §2143.03. Applicants respectfully submit that all of the limitations of the present claims are not disclosed or suggested by the prior art. The prior art does not disclose or suggest a chromium metal composition as presently recited in claim 3. Accordingly, a *prima facie* case of obviousness has not been made out and this rejection must be withdrawn.

A salient feature of the presently claimed invention is a chromium metal complex of formula (2). See claim 3. Kakugo '370 does not disclose or suggest the presently claimed chromium containing polymerization catalyst. Kakugo '370 merely mentions transition metals, and teaches titanium, zirconium, hafnium, and vanadium as candidates for their compositions. However, Kakugo '370 does not mention or suggest chromium complexes. Therefore, Kakugo '370 does not disclose or suggest all of the elements of the present claims and a *prima facie* case of obviousness has not been made out.

Nevertheless, even if it were assumed *arguendo*, that a *prima facie* case of obviousness were made out by the Examiner, applicants respectfully submit that the compositions of the present claims exhibit unexpected results over the prior art.

In Examples 14-16, Kakugo '370 discloses 2,2'-thiobis(6-tert-butyl-4-methylphenoxy) titanium dichloride as a representative metal complex which provides a high activity among the disclosed catalysts. Therefore, applicants include herewith **Exhibit 1**, a declaration under 37 C.F.R. §1.132 by Hidenori Hanaoka. Exhibit 1 presents a comparison between the closest prior art catalysts of Kakugo '370, 2,2'-thiobis(6-tert-butyl-4-methylphenoxy) titanium dichloride and the presently claimed 2,2'-thiobis(6-tert-butyl-4-methylphenoxy) chromium dichloride.

The Hanaoka declaration clearly shows that the presently claimed catalysts exhibit superior and unexpected results over the prior art. Accordingly Applicants have fully established the patentability of the present claims. Withdrawal of the pending prior art rejection and allowance of the application is required. An early reconsideration and Notice of Allowance are respectfully requested.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark Konieczny (Reg. No. 47,715) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: April 17, 2007

Respectfully submitted,

By 

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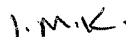
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Attachment: Exhibit 1